

Serial No. 10/650,855  
Attorney Docket No. 2001P00790WOUS

### REMARKS

Applicant has amended claims 1, 3-11, 13-17, 19-21, 23-27, 29-34, 36-41, added new independent claim 42, and canceled claims 2, 12, 18, 22, 28, and 35. Thus, claims 1, 3-11, 13-21, 23-27, 29-34, 36-42 Are presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

#### Response to objections to the Claims:

The Claims 1, 9 and 28-34 stand objected to due to the informality of the term 'can' as an indefinite term. Applicant has amended the Claims 1, 9 and 28-34 to delete the term as suggested by the Examiner. Thus, Applicant respectfully request the Examiner to withdraw the objection to the Claims.

#### Response to rejections under Sections 112:

Claim 11 stands rejected under 35 U.S.C. 112, the Examiner stating that the "expansion stage" has not been identified as either the "first" or second expansion stage. Applicant has amended Claim 11 and inserted the term first before the wording expansion stage as suggested by the Examiner.

#### Response to rejections under Sections 103:

Claims 1-2, 4, 6-12, 14, 16, 18, 20, 22, 24, 26-28, 30, 32-35, 37, and 39-41 stand rejected under 35 U.S.C. 103(a), the Examiner contending that these claims are obvious over Hoizumi (USPN 4,693,086) in view of Herr (USPN 4,077,432).

The Examiner asserts that Herr discloses a valve having a recess that does not extend over the entire thickness of the element. Applicant has amended Claim 1 to recite that a permanent recess does not extend over the entire thickness of the element.

Applicant is respectfully unsure as to what the Examiner considers the "recess" disclosed in Herr. If the Examiner considers the Herr "recess" to be the cavity (23), then the amendment that the recess is permanent patentably distinguishes the claimed invention since the Herr cavity is formed only when the valve is in the closed position and is therefore not permanent.

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If the Examiner considers the Herr "recess" to be the interior chamber (20), then the applicant respectfully disagrees with the Examiners reading of Herr. An interior chamber (20) bounded by an upstream surface (15), downstream surface (16) and the edge portions (17, 18, 19). The interior chamber (20) extends over the entire the thickness of the blade element (11) via the gas ports (24). In contrast, Applicant's claim recites that the recess does not extend over the entire thickness of the element.

In view of the above, independent claims 1, and 11 are patentable. Dependent claims 3. – 11, 13-17, 19-21, 23-27, 29-34, 36-41 are also patentable at least based on their dependence from claims 1 and 11 as well as based on their own merit. Therefore, Applicant respectfully request that the Examiner withdraw the Section 103 rejections.

New Claim 42:

New claims further define the scope of the invention, as described in the specification and drawings. In view of the foregoing remarks regarding the other claims, Applicant respectfully submits Claim 42 as patentable and requests allowance of Claim 42.

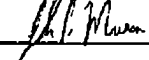
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### Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to char any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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